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A Story of Rights: From Word and Conceptualisation to Law and Cultural Narrative

Alan Durant

I. Introduction

While writing this article,¹ I happened to see for the first time an art work which powerfully illustrates the challenge of understanding rights through their interaction with notions of narrative. The work was a banner-like watercolour-and-graphite freeze called *Purification*, created in 2012 by the Cameroonian artist Barthélémy Toguo. Hanging in the Tate Modern gallery in London like a huge, rolled-out scroll, the painting is populated by human figures, their contorted, semi-abstract faces and bodies surrounded by hand-written sentences from the articles of the United Nations Universal Declaration of Human Rights (1948). In an accompanying note, Toguo explains that the piece was “born from my response to sufferings endured by various groups of people around the world (genocides, slaughters, deportations, discriminations)”; he urges that “Man must regenerate his own culture. . . He must operate a purge over himself and purify [himself] from his crimes and horrors.” What excited my interest particularly was that, while our gaze is drawn to rights verbally declared (by reference to one of the great achievements of international law), those verbal formulations are squeezed in, in uncomfortable hand-written form, around visual imagery of suffering humanity. Image and word confront each other with contrasting accounts; and the viewer is left to ponder an unresolved counterpoint of the kind associated with modernist narratives rather than traditional stories such as folk tales or realist fiction, which typically organise material so as to present a coherent, if debatable viewpoint on their chosen topic. One inference from Toguo’s technique might be that there are contradictions between what we aspire to and what rights deliver in terms of human well-being. Or, picking up

¹ This is revised version of my presentation for a conference, entitled “Narrating Rights” (the English Language and Literature Association of Korea [ELLAK] conference, Seoul, December 2017).

one of the artist's themes elsewhere, that in a period of liberal globalisation there is a conflict between how rights appear to the developed and developing worlds. Alternatively, the painting might hint that "narrating rights" is only possible if we test our declared norms against personal responses to the plight of others.

My wish to acknowledge the last of these possibilities was in part prompted by the phrase "narrating rights" that the conference organisers invited speakers to address. How, I wondered, can the idea of narration be applied to something as abstract and intangible as *rights*? After all, the most frequent objects of the verb *narrate*, not only intuitively but as attested by frequency in a 2 billion word corpus of English, are *story*, *tale* and *past*, followed (with greater complexity) by *hadith*, *journey*, *Holocaust* and *self*. There are no instances at all of *narrating rights* either in the corpus I consulted or in the digitised publications in Google Books. Rather than being "narrated," *rights* are *protected*, *exercised*, *violated*, *enforced*, *granted*, *infringed* or *guaranteed*; when they first appear they are *declared*, *claimed* or *championed*. The list of "things narrated" is varied. But "narrating rights" involves a strikingly new collocation, creating a conceptual metaphor conveying the underlying proposition RIGHTS FORM A KIND OF NARRATIVE. Such figurative meaning, as with "narrating the city" and other uses, poses difficult questions if the approach is to do justice to the chosen topic.

In this article, I propose to step back from discussing particular works such as novels, plays, diaries, or films. Instead, I want to offer general comments that I hope may provide a reference point for others in considering the many literary works and films that spring to mind as being concerned with rights. I begin with a brief reminder of some important features of rights as generally understood. Then, in the essay's central sections, I outline the complex history of the English word *rights*, charting how that word's changing meanings convey different, sometimes contested conceptualisations embedded in rights thinking in different periods. Building on this account, I conclude with comments and queries in relation to the challenges involved in representing rights in literary, media and other forms. My overall approach—seeking to illuminate connections between rights as developed in law and rights as depicted in literature—combines linguistic with literary concerns. It also reflects interdisciplinary work concerned with the language of law. One general outcome, I hope, may be extra sensitivity to the interconnectedness of linguistic, literary and legal aspects of political and cultural topics.

II. Rights Reminder: Some Background

Rights are defined, invoked, aspired to, and contested in many different social settings. They are embedded, formally or informally, in virtually all social relationships and formations; and they have been fought over and fought for throughout history. Rights as a normative social concept are studied in many different fields, including philosophy, sociology, anthropology and history, as well as more visibly in economics, social policy, and law. Their appearance as a topic in literary and cultural studies, by contrast, is fairly new. Exactly what rights, or kind of rights, are in question in this new domain is not always obvious; and there are inevitably risks in treating rights as if they are all alike. The following five points highlight some relevant considerations.

1. Particular rights that have been formally recognised range across very many different fields: from a right to life and a right of asylum to a right to property (including rights in intellectual property), and from rights to health, privacy, freedom of expression, religion and development through to rights in human sexuality and reproduction, the environment and education, as well as—an effective restraint on unbridled rights enthusiasm—a right to bear arms. It is important to keep in mind that supporters or advocates of one kind of right, or of rights held in one set of circumstances, may be ardent opponents of other kinds.
2. Within this wide range, rights are categorised as belonging to different groupings. In addition to customary rights (e.g. rights traditionally conferred by birth, social status, or national sovereignty), there are private rights (governing transactions between parties), rights of individuals against state interference in their lives, and rights (including economic rights) conferred in order to achieve utilitarian policy objectives. *Rights* importantly means but doesn't always mean *human rights*. Recent classifications of rights, even within the more specific category of *human rights*, cluster them further, as for instance civil, political, economic, social and cultural rights. Overall, there is a contested architecture of rights, with for instance no agreed, finite number of rights even of those considered to be “fundamental.”
3. Rights vary in their origins, historical development and scope, as well as in their legal status. The last of these—legal status—is linked to factors including availability of a viable legal forum, frameworks for

continuous or periodic monitoring, and other issues of enforceability. Where rights are not entrenched, some proponents insist there can be “no rights without remedies.” Others (especially in poor countries where many rights are difficult to implement) invoke the same, unenforceable rights as markers of collective intent or at least aspiration: rights in the future tense, directed towards better lives and future societies.

4. In general terms, lawyers emphasise that there are many distinct, countable entitlements. As regards human rights it is often argued, though not without controversy, that in contrast these rights constitute a bundle of “indivisible” and “inalienable” attributes which are “universal” by virtue of the rights holder being human.
5. People who enjoy rights (‘rights holders’—though there are also animal holders of *animal rights*) may be specified individuals, or all legal persons (including companies), or citizens in particular categories (e.g. rights of the child; rights of women). Or they can be “everyone,” as with *universal human rights*. Alternatively, rights holders may be collectivities, such as states. Or, involving difficult intersections between all those conceptions, rights holders may be minorities within a state or other jurisdiction, such as subordinated “nationalities,” ethnic groups or indigenous peoples.

It is hardly surprising that, with such multidimensional variation, difficult questions surround rights in all contexts, and will inevitably arise when the notion is transposed into a new disciplinary field. What form must a right take, for example, in order to constitute a right rather than a value, vision, or cultural norm? How compatible are rights among themselves (and what must be done if they conflict with one another)? The relevance of such questions is beyond doubt. A story championing a right to food or self-determination is likely to differ significantly—and be interpreted and valued differently—from a story insisting on conjugal rights or the right to bear arms; a narrative exploring a right to life and one exploring a right to die may superficially appear parallel, yet differ fundamentally as regards their underlying principle.

III. “Rights,” the Word

My main suggestion in this article is this: that difficulties encountered in the conceptual history of rights are expressed, in condensed and contra-

dictory ways, in our uses of the word *rights*. This largely “ordinary language” approach of course has affinities with thinking associated with the Oxford philosopher J. L. Austin, including his general influence on the jurisprudence (and not only the work on rights) of H.L.A. Hart. It also connects with a very different but not incompatible approach, most innovatively argued by Peter De Bolla in his *The Architecture of Concepts: the Historical Formation of Human Rights*, that the emergence of verbal nuance and historically differentiated concepts can be traced precisely through new digital humanities, essentially corpus linguistic techniques. If such contentions are right (in the sense now of “accurate” or “justified”), then one task in narrating rights must be to tell the story of the word *rights* itself, as carefully as possible, as an important narrative alongside how rights are depicted in particular stories, genres or story traditions, and what an overarching historical “rights meta-narrative,” or overall story of the growth of rights in society, would look like.

Most people readily acknowledge that the word *right* (and its plural *rights*) are not straightforward. Rather, the word shows characteristics of what have been called “keywords,” studied especially in a tradition pioneered by the British (Welsh) cultural historian Raymond Williams, who started to research what he called “keywords” by collecting usage of a cluster of five words (*industry, democracy, class, art, and culture*) which proved to be “key points” from which he could draw a map of changes in life and thought he was seeking to explain, but some general characteristics can be identified. Such words described as “keywords” do not form a fixed category, and claims made on behalf of any given candidate word vary. But such words (think of *democracy, culture, humanity, or liberal*) tend to be historically polysemous (they have multiple, related senses), as well as vague in their extension (they lead to porous category boundaries, of categories that have more and less prototypical members). Such words also tend to be contested in use (efforts to define what qualifies something as an exemplar of the category challenge that category’s assumed characteristics); but the complex concepts such words denote nevertheless become prominent and influential. Partly because of nuances they convey, such words commonly serve as vehicles for slowly changing social thinking, especially on difficult topics. Making them still more difficult, changes in their meaning do not reflect semantic regularities in the way that changes in many other areas of language do. Instead, a mix of linguistic and social factors is responsible for any given meaning change. Importantly, as a result, it can help to have a sense of the linguistic and

social history in mind when engaging with the word's present difficulty (whereas with most vocabulary items language users find the contemporary system of linguistic differences sufficient context for understanding).

Taking these features of keywords into account—even without the more detailed discussion they deserve—I believe it can be helpful to consider the development of the English word *rights* as a way into assessing challenges presented by its current use and implications.

(a) *Rights*, Early History

Already before 1066, *right* was an important term in how Anglo-Saxons thought about the field we now conceptualize as “law.” In fact, though, the Anglo-Saxons were gradually moving towards calling what we describe as law by the Norse loanword *law* rather than by either *right* or the older word *œ*. Among these overlapping words, *right* also had important ethical meanings which reflected the practices, social structures, and codes of behaviour of the Anglo-Saxon world.

Following the Norman Conquest, *right* and *law* increasingly coexisted with another word: *justice* (ultimately from Latin *ius*, with meanings centering on “legal code” although other meanings accumulated in the changing moral and religious vocabulary of the mediaeval period). There were other terms, too, including *equity*, in a semantic field that reflected not only earlier cultural behaviour but conflicting social positions in what we might now characterize as a “colonial” political order. From the Norman Conquest until the late 1300s, however, the English language remained very much a poor relation both to Latin and French. Whereas the Anglo-Saxon population used evolving forms of English even for their written law codes and other legal documents, in the post-1066 order Latin was the usual written language of law, and French the usual language for spoken legal pleading and other legal business. Given the political situation of the time, it is not surprising that the French word *droit* also influenced the meaning of the English word *right*; and in this respect *rights* had something of an international beginning in English centuries before the word acquired its modern, international currency.

The semantic history of *right* involves successive specializations of meaning. Over time senses diverged, differentiating *rights* from *equity* and *justice*, even as each of those words continued to be polysemous in its own ways. Overall, a movement took place away from norms and privileges of mediaeval feudal society in two later developments. The first was towards contrasts shaped by deeper understanding of classical ideas and

values, including as expounded in humanist philosophical thinking that was becoming more widely available. A second, mostly late 18th century development involved more fundamental reconceptualization: “rights” came to be viewed, as they now are as *human rights*, as a matter of evolving guarantees of minimum entitlement.

Even this thumbnail description brings into view a tangle of different meanings in *right*, sometimes diverging, sometimes converging, always overlapping. Prominent, for instance, is a broad, “moral” or “justice” meaning: that which is considered proper, correct, or consonant with justice, reason, or true interpretation. In earliest uses in this sense, *right* carried an implication that what is right is also honourable, wise and consistent with laws of Nature ordained by God, a meaning that unified a simultaneously social, moral and spiritual code. Notable in retrospect is that behaviour consistent with *right* was linked not only with what in modern terms would be thought of as entitlement, but also with duties and social responsibilities (whether actually carried out or not). Throughout the period, however, another more specialised meaning persisted, concerned with interpersonal relations and transactions, especially ownership and inheritance.

Combining different strands of significance, rights were important manifestations of position or political capital: a mix of possession, authority, privilege and power (whether enshrined in law or presumed on moral grounds—or even, as with the monarch’s “divine right of kings,” presumed to be directly authorized by God). Such claims were primarily to have, or be capable of obtaining or in some way benefiting from something—or alternatively being able to prevent or have immunity against something. Note how directly this meaning contrasts with the notion of generally available, minimum entitlement. It is like looking at power from two different perspectives: a view from above and a view from below, both inscribed as meanings of the same word. A convincing “story of rights” cannot sidestep this historical reversal and continuing opposition between viewpoints (and such an opposition runs clearly through historical accounts of rights such as the exemplary history by Micheline Ishay).

(b) Privilege and Social Inequality

In any hierarchical social order, a tension must be mediated between an abstract principle of *right* fuelled by moral resonance and unequal social circumstances in which it is applied. It is such tensions that propel the more recent history both of the meaning of *rights*, and of actual, often violent conflicts between haves and have-nots and other opposing groups

in different political contexts: religious conflicts, anti-colonial struggles, challenges to sexual norms, efforts to seek redress for war crimes and ethnic cleansing, and others.

The first signs of the now globally influential, modern concept of rights—first as *rights of man*, then as *human rights*—are often looked for in challenges to political power resulting in concessions from otherwise presumed Royal prerogative. The English legal charter Magna Carta, 1215, includes an undertaking by King John, in Article 40, usually translated as “to no man will we sell, to no man will we deny or delay justice or right.” The concessions involved in Magna Carta (i.e. a king giving in to the interests and demands of his disaffected barons) introduces an element of entitlement-from-below that has been amplified, even mythologised in view of later developments that have shifted the concept of rights from interests and residual expectation of non-interference (so-called “negative liberties”) in the direction of more defined “social contract” freedoms and protections, to which we will turn shortly.

At least until the 17th century, however, the emerging conception of *rights* introduced above remains entangled with simultaneously asserted meanings of “privilege” or “title.” Rights continued to be generally understood within a system of *natural rights* that included presumed absolute sovereignty embodied in the Divine Right of Kings, albeit queried by (a still disputed amount of) Republican thinking that combined classical authority with frustrations resulting from misrule and social inequality. As religious (then mixed religious and secular) presumptions surrounding natural law receded, however, or became openly contested in political experience including the Civil War and execution of Charles I in 1649, commitment to *natural rights* was exposed to increased challenge. Marking the end of one important phase and the beginning of another, the history of rights in Britain took a further step through greater Parliamentary restriction on sovereign powers: concessionary rights granted to Parliament (rather than to individuals, and still hostile to minorities including Jews and Catholics) imposed under the 1689 Bill of Rights.

(c) From Title to Entitlement

The tensions I have referred to above may be viewed as taking place between rights conferred by earlier political and religious settlement and rights asserted in opposition to those same presumed rights. Or, put another way, they concern rights reconceived as a way to promote the interests of classes of people excluded from previous political settle-

ments, with a view to an emancipation that would follow, albeit ambiguously as between being achieved in an actual, new social formation or only fully in the realm of political philosophy. Such a new direction (which coincides with major disruption to earlier social patterns brought about by an intense phase of European industrialization) must be seen, however, as an international trajectory, taking place not only in Britain—and in English—but substantially elsewhere and in languages other than English. It resulted in shifts in philosophical and political thought during the late 18th century that link the idea of rights closely with political defiance and social activism leading both towards American Independence (1776) and the French Revolution (1789). In a much later emphasis, that international aspect comes not only to encompass different national situations; because of the implications of universalism, it is articulated—sometimes on behalf of others—as an ambition of all societies seeking to participate in a transformed global system.

The beginnings of this reversal in the historical narrative of rights can first be seen, as before, in a questioning of political legitimacy as based on natural rights (a conception ridiculed by Jeremy Bentham in his *Anarchical Fallacies* (1791-92) as “simple nonsense: natural and imprescriptible rights, rhetorical nonsense, nonsense upon stilts”). Social thinking between the philosophers Thomas Hobbes, John Locke and Jean-Jacques Rousseau, as well as in the work of political campaigner Thomas Paine, shifted emphasis away from subjection to absolute sovereignty or a pre-given social order. First, the move was towards notions of consent (said, however, to be renounced in a one-off bid for protection even under a tyrant in Hobbes’s *Leviathan* (1651)); then consent given but more continuously ratified in Locke’s account in *Two Treatises on Government* (1689). Rousseau’s thinking, developed as an analysis of what is added by living in organised society rather than in a putative “state of nature,” consolidated the notion that some kind of social contract should be the basis of social structure. Cumulatively, shifts in these related directions paved the way for celebrated statements of general—sacred, human, indivisible—rights such as Thomas Jefferson’s announcement in the American Declaration of Independence, that [all men] “are endowed by their Creator with certain inalienable rights; [that] amongst these are life, liberty, and the pursuit of happiness,” or Lafayette’s formulation of the “Déclaration des droits de l’homme et du citoyen” (1789, assisted by Paine, the author of *Rights of Man*, 1791). In effect, some kinds of right became what is owed by a state to its citizens and so what that state has

an obligation to provide or ensure. Historically, this fundamental shift led for a period to a surge in “declarations” of rights: as Geoffrey Robertson vividly recounts, in his book *Crimes against Humanity*, in 1789 Thomas Jefferson (as American ambassador to Paris at the time of the French Revolution) could write home in a letter to James Madison (later the fourth President of the United States) that, “Everybody here is trying their hands at forming declarations of rights.” (p.8)

(d) The 20th Century as an “Age of Rights”

These major developments in what *right* can mean have largely involved shifts from specific towards universal and from implicit towards declared. Together, such shifts created conditions for emancipatory visions that have underpinned modern, globally influential rights-based political activism and initiatives. Struggles based wholly or in part on such reconceptualization are nevertheless still confronted by the other kinds of rights, presumed (often legally held) by specific other people, by institutions and by nation states; and conflicts between different conceptions have been an almost continuous feature of political struggles, through anti-slavery campaigns and the U.S. Civil War, the Suffragette movement and U.S. Civil Rights movements campaigning for political representation, anti-colonial and other revolutionary movements based on a right to self-determination, and modern feminist and anti-discrimination campaigns on many fronts.

Undoubtedly, however, the main period of political expression and legal adoption of rights within this political, legal and cultural transformation, following tentative steps after World War I, was the period immediately after World War II, when international initiatives were considered urgent because of the recent trauma of Nazi genocide and fear of an anticipated spread of communism. Emerging from that mixed legacy and political prospect, since the 1950s much of the modern terminology and broad conception of *rights* has been embedded in international law. Two Covenants of 1966 (ratified a decade later) are now considered to have created, along with the earlier Universal Declaration, an International Bill of Rights. These landmarks, and other later, in many cases regional rights instruments have developed rights thinking into the many categories alluded to at the beginning of this essay.

Over the last 60 years, as a result—including through the major transition from Cold War into far-reaching liberal globalisation—we can say there is an international *human rights movement* consisting of bodies ranging from supranational organisations through to NGOs and one-issue cam-

paign groups. This international movement of ideas and organisations has propounded ways of thinking which strengthen particular meanings of *right* outlined above, while exacerbating clashes between different actors and interests including those associated with private transnational bodies, state institutions, and embattled, often dispossessed or migrant populations. Across an increased range of domains, efforts are made to insist on baseline entitlements available to all that can either be implemented immediately (by national legislation, reflecting international commitment) or drawn on later, as recognised universal values rather than positive, specified rights, in a process of “progressive realisation” when political opportunity and resources permit. In such circumstances, we are often said to live in an *age of rights*, though different views are expressed on whether we are at the beginning of that age or somewhere later in its historical lifetime.

IV. Rights Discourse

My general point so far has been that the history of the meanings of *rights* is an important component of any “rights narrative.” Our ability to “narrate rights,” in the sense of depicting their realization, triumphs or obstruction, depends on clarity but also on acknowledgement of complexity in naming, defining, contextualizing and evaluating the different sorts of rights in question (for accessible accounts, see Michael Freeman’s concise textbook; Mark Goodale’s collection of essays on human rights and anthropology; the volume on minority rights edited by Will Kymlicka; or, on the relation between different kinds of rights—between human rights and intellectual property rights in this case—the detailed legal analysis by Laurence Helfer and Graeme Austin). Yet despite the existence of many such scholarly works my description suggests we don’t have—or don’t yet have—a settled or consistent general vocabulary for discussing rights, and have to make constant reference to historically varied, legally complex, in many cases translated, and sometimes contradictory specialized sources.

Perhaps that is to be expected. But beyond the legal and political sources themselves, (many made easily accessible by having been brought together in extract form in Micheline Ishays’s *Human Right Reader*), the core term *rights* is everywhere in general use, sliding with ease across a complex taxonomy of politically varying, potentially incompatible realities, presumptions, beliefs and hopes. In some contexts, the term *right* is linked to a particular domain or rights-holder, by being preceded by a

modifier: *women's rights*, *civil rights*, *fishing rights*, *equal rights*, *reproductive rights*, *mining rights*, *patient rights*, *prisoners' rights*, and *intellectual property rights* (such as *film rights* or *copyright*). Other uses—showing similar tensions—designate an object or aim, but without only implicit indication of a right holder or the scope with which the right can be exercised: *right to life*, *right to die*, *right to work*, *right to strike*, *right to enter*, *right to remain*, *right to choose*, *right to vote*, *right to development*, *right to buy*, *right to silence*, as well as (used in relation to past conflicts and atrocities) the *right to truth*.

At stake in such uses is considerable variation, and some uncertainty, regarding whether the rights referred to already exist (at treaty or convention level, or adopted in some other human rights instrument, or as part of national law); whether they are imminent, somewhere in the process of progressive realisation; whether they are presumptions based on moral values, custom, or a personal sense of justice; or whether, sometimes, they remain only a figure of speech. For many, an act of declaration of rights—even allowing for difficulties surrounding authority to perform, and so the legitimacy of, such acts of declaring—is felt as sending a powerful, symbolic message. Among disenfranchised people, “arguments from rights” understandably appear the best or only way of “trumping” (to echo a term used by Ronald Dworkin in *Taking Rights Seriously*) the asymmetries embedded in earlier regimes of law and power. For others, many rights remain problematic, even hopelessly idealistic, because they are felt to circulate in a zone mixing law, morality, activist rhetoric and unqualified assertion. For them, some rights promise levels of entitlement beyond what any social order could deliver; and, through lack of what is considered realism, some rights thinking is thought potentially to lead to current, enforceable legal rights being taken less seriously, even ridiculed. Resulting confusions present themselves as widespread simplification and exaggeration, as well as sometimes as an insistence—ironically, given the long history of struggle—that universally available rights may distort the necessary, even customary balance that needs to exist between rights and responsibilities.

V. Conclusion: Rights and Narrative

Familiarity with the history of the word *rights*, I have suggested, can help in understanding the diffusion of ideas about and attitudes towards rights in cultural discourse. To understand the particular challenges pre-

sented by the “rights as narrative” metaphor with which this essay began, however, something more is called for: discussion of how and why stories about rights are told. It is not possible to explicate the phrase “narrating rights” fully; but it may nevertheless be possible to pose suitable questions in a way that can expose the kinds of difficulty that humanities scholars working in this field are likely to face.

We might first note that *narrative* is a contemporary keyword analogous in this respect to *rights* (consider how far the idiom “change the narrative” has spread beyond the meaning of fictional “story” into public affairs and politics, meaning something resembling “accepted framing of events”). The significance of “narrating rights,” accordingly, may be clarified by unpacking the history of *narrative* along lines adopted above for *rights*. Without going into equivalent detail (a full entry can be found in a forthcoming keyword collection edited by Colin MacCabe and Holly Yanacek), the relevant point is that, like *rights*, the meaning of the word *narrative* undergoes at least one major reversal in its history. In its first uses in English during the 16th century, *narrative* meant a legal exposition of facts: a setting out of particulars claimed and expected to be true. Over subsequent centuries, the dominant meaning of *narrative* related to plots in fiction, including more recently—influenced by the literary field of narratology—how such plots can be told in different ways, for example by foregrounding different or multiple points of view, or by incorporating techniques such as flashbacks and parallel cutting of multiple storylines in cinema. In recent decades, further influenced by cultural theory, the important reversal occurred: the sense related to fictional storytelling began to be applied back onto events in the world, treating those events as if they not only can be represented as stories but in some sense *are* stories. Even long-term historical developments (such as “social progress”) could in this context be viewed as narratives created by thinking during the Enlightenment period: so-called “grand narratives,” to be celebrated in the case of “social progress” as an ongoing, heroic quest or treated with scepticism in the way a fictional narrative might be. In current use, these different meanings increasingly overlap, especially in fields such as political communications and public relations, where situations and events are viewed as raw material that lends itself to being “narrated” in alternative forms. Those forms are sometimes so elastic that the communicator is liberated from any strict notion of truth in framing situations and events by an implication in the word *narrative* that there may not be any fixed substance underneath the level of narrative itself.

As regards the category we have been assuming, of some general kind of “rights narrative,” several lines of questioning radiate outwards from such meanings of “narrating” and the issues of story and reality they raise. One practical query concerns what the characteristics of a “rights narrative” are. A second question involves the different ways such narratives might be read, for instance in relation to the interpretive criteria of “authenticity” and “convention.” A third question concerns how far, cumulatively, representations of rights build a meta-narrative that may be suggestive in showing how we understand social history and future directions.

Looking for general textual characteristics tends towards over-generalisation; but doing so may still be useful in clarifying what forms of “narration” are possible in relation to “rights.” To be a “rights narrative,” for example, must narration include some presentation of activism (e.g. campaigning to establish or defend rights) rather than purely an account of human suffering or deprivation? Or is it enough that a “rights narrative,” in the minimal sense of a book or film concerned with rights, achieves its effect purely by portraying suffering caused by what Hannah Arendt eloquently described, in “The Decline of the Nation State and the End of the Rights of Man,” as “the barbed-wire labyrinth into which people(s) are driven” (*The Origins of Totalitarianism* 295)? Such a question is partly a matter of whether there is a category (in effect, a “genre”) of “rights stories,” if examples are all considered together, and if so what common characteristics or family resemblances bring them together (especially characteristics that might differentiate a “rights narrative” from a disaster story, tragedy, or other forms representing human suffering). At the same time, reflecting the principle that genres are not only a matter of formal properties but are also differentiated by their intended effects, the question concerns what effect is anticipated on a reader or viewer. A focus on rights advocacy, for example, will highlight either the rule of law or alternatively difficulties in investigating or overcoming rights violations—but it will presumably always entertains the possibility of social change. Without polemic or struggle against injustice, focus primarily on suffering (which may still testify powerfully to a need for rights) highlights different characteristics, such as people’s dignity, endurance and common humanity even in suffering. It need not involve a commitment to improvement in external social conditions; such a narrative would be likely to evoke responses combining sympathy, empathy, and anger felt on behalf of victims or survivors—but with only implied encouragement towards rather than illustration of the kinds of mobilisation towards change associ-

ated with *rights defenders*. In any particular text, the two alternatives are unlikely to be polarised. Rather, a blend of the two is likely to guide audience reaction—a blend, however, that—as we saw with the Barthélémy Toguon montage of the Universal Declaration and human suffering with which this essay began—can remain enigmatic or unresolved.

Extending the question whether “rights narratives” are only individually expressive or whether together they constitute a literary or political “genre,” it seems worth pursuing further how representations of rights might fit into a larger classification of narratives. Such representations (on a definition that includes survivor or witness testimony, memoirs, and documentaries) are often assumed to be “personal narratives,” and to “document” experiences and events either factually, or obliquely by means of reconstruction or dramatization. But other works that might also be described as “rights narratives” are by no means all autobiographical, reportage, or factual history; and those other idioms have also proved themselves well suited to exploring social problems, alternatives, and aspirations. Such forms include utopian and dystopian fantasy, journey narratives, satirical critique and parody, allegorical discussion, and tragic, heroic, visionary, or science-fiction forms. These more literary treatments of rights call for responses that are likely to be more complex—without necessarily being any stronger or worthwhile—than those triggered by rights violation “case studies” and documentary; more literary expectations and interpretive strategies embed reported or fictional experience in wider notions of creativity from which “rights narratives” may be only be separated artificially.

Queries along these lines could be explored, and responses to them tested, by reference to many literary works, films and discourse of other kinds. The underlying point, however, is a general one: that stories of all kinds are not only reports of the world as it is, but also purposeful, rhetorical contributions to an ongoing social dialogue. In narratives concerned with rights, a particular emotive and persuasive capability is to disturb readers’ or viewers’ complacency with the world as it is, to motivate and inspire, and to encourage identification and solidarity with the experience of others. But at the same time all texts draw on conventions. Given the saturation of contemporary life with narrative, and the development among most populations of considerable levels of narrative literacy, even narratives concerned with suffering and injustice will be interpreted partly in relation to narrative conventions, including the many different ways of narrating a plot, as well as in relation to the experiences or events which may have prompted narration in the first place.

Issues of the kind I am raising about narrative here are important as regards what “narrating rights” might be thought capable of achieving, and also what compromises and risks surround such a sensitive form of expression. It seems a fair assumption, for example, that a rights narrative will to some extent be partisan, either in celebrating historical progress towards the realisation of rights in the legal or political sphere, or alternatively in drawing attention to obstacles standing in the way of progress towards that end. It is difficult to conceive of a text described as a “rights narrative” that would not reflect commitment in this way. Yet such an engaged stance in storytelling, unless suitably nuanced, can potentially lead to a perception of rights narratives promoting (depicting the world as it might be) more than describing or reflecting the world as it is, not in the details of the narrative but in overall purpose. In such circumstances, “rights narrative” might appear a kind of liberal equivalent to the largely discredited aesthetic of socialist realism. There is an obvious, fundamental difference: that, rather than working to vindicate principles of state socialism, “rights stories” support very different, rights-based political aspirations. But such a difference is more one of content than of narration. While it can seem shocking to suggest such a comparison (despite the continuing pertinence of Marx’s own early critique of human rights), such a risk must exist as part of efforts to articulate rights in the form of narratives; and any resulting similarity could not be viewed as purely one of narrative genre (e.g. that the hero prevails or always gets the girl) because it is more closely connected with purpose and ideology: a “grand narrative” of civil progress through human rights, put to work in shaping not explicit analysis and argument but aesthetic vision. Rights, in the senses of *human rights* described above (though not in other senses), are inseparable from a teleological narrative of law and morality. So a “rights narrative,” if by that we mean an illustration or story of social development taking place through struggles over rights, will always risk to some degree appearing a selective account imposed on greater complexity of political experience and history. To this it might be countered that need be no tension between conviction and creativity, and that the “grand narrative” of rights is as good a narrative as we have. Such a narrative, however—and kinds of narration that replenish and extend it—will be as good as the points of principle and forms of analysis that underpin it, not only in the narration itself. Such narration, and the kinds of commentary and criticism brought to bear, can be strengthened by disentangling the changing and different meanings of *rights*, and attending to the specificity and

status of the rights that we have or need. In the absence of such attention, risks associated with possible promotional purpose and relativism to which narrative is subject will creep back in, especially if “narrating rights” is woven into a triumphalist version of economic liberalism and the politics of globalisation—either of which could alternatively be viewed as putting obstacles in the way of realising human rights.

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Abstract

Humanities scholars have recently begun to use the phrase “narrating rights” as a way of describing an increasingly discussed area of intersection between legal, ethical, and literary topics. This article examines the conceptual basis and directions of that emergent area of work. It outlines features of “rights” as generally understood in law, along with relevant associated issues; it explains how, in the complex history of the English word *rights*, that word has conveyed different, often contested notions which persist into contemporary thinking; and it concludes with comments and queries regarding the challenges which face studies in humanities in using “narrative” as a way into understanding rights. In developing its arguments, the article highlights the interconnectedness of linguistic, literary and legal aspects of political and cultural topics, and encourages further interdisciplinary work.

Key Words: rights, keywords, narrative, Raymond Williams, word meaning

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